THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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Writ Petition No. 18307 of 2005

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Dated: 18th August, 2005.

Between:

1. S.U.Laxmikantam and six others

..... PETITIONERS

AND

1. The District Collector, Krishna District

and four others

.....RESPONDENTS

O R D E R :

This writ petition is filed seeking writ of Mandamus, directing the respondents not to evict the petitioners from the shops and residential houses bearing Nos.7/478 situated at Godugupeta, 24/27, 28, 29, 7/490, 6/646, 6/646/A and 6/665 situated at Azad Road, 24/30 and 12/17 situated at Cantonment Road, 6/672 situated at Kojjillipet, 12/51 and 12/53 situated at Rusthumbada of Machilipatnam town, Krishna District, without payment of the compensation according to the market value under the provisions of the Land Acquisition Act, 1894.

Heard the learned counsel appearing for the petitioners and the learned Standing Counsel for the 5th respondent.

The learned counsel for the petitioners contended that the petitioners are the absolute owners of the shops and residential houses bearing Nos.7/478 situated at Godugupeta, 24/27, 28, 29, 7/490, 6/646, 6/646/A and 6/665 situated at Azad road, 24/30 and 12/17 situated at Cantonment road, 6/672 situated at Kojjillipet, 12/51 and 12/53 situated at Rusthumbada of Machilipatnam town, Krishna District, and they have not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish their shops and residential houses in the process of road widening.

On the other hand, the learned counsel for the 5th respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for demolition of the shops and residential houses of the petitioners.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of the shops and residential houses of the petitioners bearing Nos.7/478 situated at Godugupeta, 24/27, 28, 29, 7/490, 6/646, 6/646/A and 6/665 situated at Azad road, 24/30 and 12/17 situated at Cantonment road, 6/672 situated at Kojjillipet, 12/51 and 12/53 situated at Rusthumbada of Machilipatnam town, Krishna District, without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioners.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated: 18th August, 2005.

NOTE:

Issue wire at party's costs.

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